

# **EXHIBIT C**



31 July 2008

Ms. Miriam Lieberman  
KIRKLAND & ELLIS LLP  
200 East Randolph Drive  
60<sup>th</sup> Floor  
Chicago, IL 60601-6636

**Re: Subpoena to KHPA**  
***U.S. ex rel. Ven-A-Care of the Florida Keys, Inc., et al. v. Boehringer Ingelheim Corp., et al.***

Dear Ms. Lieberman:

Please be advised that the Kansas Health Policy Authority ("KHPA") is in receipt of your subpoena in the above-referenced case. This letter, along with its attachments, serves as the KHPA's response to the subpoena. The KHPA will update its responses if necessary.

**GENERAL OBJECTION:**

The subpoena was received by the KHPA on June 10, 2008. Documents were to be produced on or before June 27, 2008. You were kind enough to agree to extend that date to July 31, 2008.

However, the scope and volume of documents requested is simply massive. Literally decades worth of items are sought and 52 days simply isn't enough to allow compliance. In checking with other states that were issued the same or a similar subpoena, some took upwards of 6 months to gather the documents. Just making the determination as to whether a requested record still exists is a time-intensive process.

In addition, the request is being made to a state agency. As you can imagine, resources are limited and must be allocated in a manner that allows the business of the state to continue without interruption. Substantial time and money has been spent in collecting the documents, both of which are scarce commodities at the KHPA.

Rm. 900-N, Landon Building, 900 SW Jackson Street, Topeka, KS 66612-1220

**[www.khpa.ks.gov](http://www.khpa.ks.gov)**

**Medicaid and HealthWave:**

Phone: 785-296-3981  
Fax: 785-296-4813

**State Employee Health**

**Benefits and Plan Purchasing:**

Phone: 785-368-6361  
Fax: 785-368-7180

**State Self Insurance Fund:**

Phone: 785-296-2364  
Fax: 785-296-6995

The subpoena, in general, is overly broad, unduly burdensome and oppressive.

**RESPONSES TO REQUESTS FOR DOCUMENTS:**

- No. 1 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, attached please find all responsive documents in possession of the KHPA.
- No. 2 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents.
- No. 3 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA has no responsive documents in its possession.
- No. 4 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents.
- No. 5 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents.
- No. 6 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA has no responsive documents in its possession.
- No. 7 - **Objection.** The request is overly broad, unduly burdensome, oppressive and seeks documents that may be privileged and/or proprietary. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents not subject to privilege.
- No. 8 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents.
- No. 9 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents.
- No. 10 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents.
- No. 11 - **Objection.** The request is overly broad, unduly burdensome, oppressive and

seeks documents that are privileged and/or proprietary.

- No. 12 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents. In addition, please see the KHPA response to Request No. 1.
- No. 13 - **Objection.** The request is overly broad, unduly burdensome, oppressive and seeks documents that are privileged and/or proprietary.
- No. 14 - **Objection.** The request is overly broad, unduly burdensome, oppressive and seeks documents that are privileged and/or proprietary.
- No. 15 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents.
- No. 16 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA has no responsive documents in its possession.
- No. 17 - **Objection.** The request is overly broad, unduly burdensome, oppressive and seeks documents that are privileged and/or proprietary. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents not subject to privilege.
- No. 18 - **Objection.** The request is overly broad, unduly burdensome, oppressive and seeks documents that are privileged and/or proprietary.
- No. 19 - **Objection.** The request is overly broad, unduly burdensome, oppressive and seeks documents that are privileged and/or proprietary. Without waiving these objections, or any others, attached please find all responsive documents in possession of the KHPA not subject to privilege.
- No. 20 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA has no responsive documents in its possession.
- No. 21 - Attached please find all responsive documents in possession of the KHPA.
- No. 22 - **Objection.** The request is overly broad, unduly burdensome, oppressive and seeks documents that are privileged and/or proprietary. Without waiving these objections, or any others, the KHPA is still in the process of locating and compiling any responsive documents not subject to privilege.
- No. 23 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA is still in the

process of locating and compiling any responsive documents.

No. 24 - **Objection.** The request is overly broad, unduly burdensome, oppressive and seeks documents that are privileged and/or proprietary.

No. 25 - **Objection.** The request is overly broad, unduly burdensome and oppressive. Without waiving these objections, or any others, the KHPA has no responsive documents in its possession.

Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tariq Abdullah', followed by a horizontal line.

Tariq Abdullah

Attorney

Enc.